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**Colombia, Strengthening Human Rights in Regional Development and Peace  
Programs (TF 096627)**

## **Synthesis of the Human Rights addressed in the Planning and Management Tool for Human Rights Based Development Projects**

This document comprises a synthesis of the main elements of the 23 human rights included in the Planning and Management Tool for Human Rights Based Development Projects (HEDH - for its acronym in Spanish). These rights were selected based on the potential of development projects to impact their enjoyment. The following sources were reviewed in preparation for this document: i) Universal Declaration of Human Rights; ii) International Covenant on Civil and Political Rights; iii) International Covenant on Economic, Social and Cultural Rights, iv) General Comments of the Human Rights Committee; and v) General Comments of the Committee on Economic, Social and Cultural Rights.

### **Right to self-determination**

*“Article 1 of the International Covenant on Civil and Political Rights recognizes that all peoples have the right of self-determination. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. By virtue of that right they freely ‘determine their political status and freely pursue their economic, social and cultural development’.*

*Paragraph 2 affirms a particular aspect of the economic content of the right of self-determination, namely the right of peoples, for their own ends, freely to ‘dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence’. This right entails corresponding duties for all States and the international community. States should indicate any factors or difficulties which prevent the free disposal of their natural wealth and resources contrary to the provisions of this paragraph and to what extent that affects the enjoyment of other rights set forth in the Covenant”. General Comment No. 12, Human Rights Committee.*



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### Right to equality and right to non-discrimination

*“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience [...]”* Article 1, Universal Declaration of Human Rights.

*“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”* Article 2, Universal Declaration of Human Rights.

*“De jure (or formal) equality and de facto (or substantive) equality are different but interconnected concepts. Formal equality assumes that equality is achieved if a law or policy treats men and women in a neutral manner. Substantive equality is concerned, in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups experience.[...] States parties should take into account that such laws, policies and practice can fail to address or even perpetuate inequality between men and women because they do not take account of existing economic, social and cultural inequalities, particularly those experienced by women”* General Comment No. 16, Committee on Economic, Social and Cultural Rights.

*“[...] the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant. For example, in a State where the general conditions of a certain part of the population prevent or impair their enjoyment of human rights, the State should take specific action to correct those conditions. Such action may involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population. However, as long as such action is needed to correct discrimination in fact, it is a case of legitimate differentiation under the Covenant”* General Comment No. 18, Human Rights Committee.

### Right to take part in cultural life

*“The right of everyone to take part in cultural life”* Article 15a, International Covenant on Economic, Social and Cultural Rights.

*“Participation covers in particular the right of everyone — alone, or in association with others or as a community — to act freely, to choose his or her own identity, to identify or not with one or several communities or to change that choice, to take part in the political life of society, to engage in one’s own cultural practices and to express oneself in the language of one’s choice. Everyone also has the right to seek and develop cultural knowledge and expressions and to share them with others, as well as to act creatively and take part in creative activity.*



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*The following are necessary conditions for the full realization of the right of everyone to take part in cultural life on the basis of equality and non-discrimination:*

- a) *Availability is the presence of cultural goods and services that are open for everyone to enjoy and benefit from, including libraries, museums, theatres, cinemas and sports stadiums; literature, including folklore, and the arts in all forms; the shared open spaces essential to cultural interaction, such as parks, squares, avenues and streets; nature's gifts, such as seas, lakes, rivers, mountains, forests and nature reserves, including the flora and fauna found there, which give nations their character and biodiversity; intangible cultural goods, such as languages, customs, traditions, beliefs, knowledge and history, as well as values, which make up identity and contribute to the cultural diversity of individuals and communities. Of all the cultural goods, one of special value is the productive intercultural kinship that arises where diverse groups, minorities and communities can freely share the same territory.*
- b) *Accessibility consists of effective and concrete opportunities for individuals and communities to enjoy culture fully, within physical and financial reach for all in both urban and rural areas, without discrimination. It is essential, in this regard, that access for older persons and persons with disabilities, as well as for those who live in poverty, is provided and facilitated. Accessibility also includes the right of everyone to seek, receive and share information on all manifestations of culture in the language of the person's choice, and the access of communities to means of expressions and dissemination.*
- c) *Acceptability entails that the laws, policies, strategies, programmes and measures adopted by the State party for the enjoyment of cultural rights should be formulated and implemented in such a way as to be acceptable to the individuals and communities involved. In this regard, consultations should be held with the individuals and communities concerned in order to ensure that the measures to protect cultural diversity are acceptable to them.*
- d) *Adaptability refers to the flexibility and relevance of strategies, policies, programmes and measures adopted by the State party in any area of cultural life, which must be respectful of the cultural diversity of individuals and communities.*
- e) *Appropriateness refers to the realization of a specific human right in a way that is pertinent and suitable to a given cultural modality or context, that is, respectful of the culture and cultural rights of individuals and communities, including minorities and indigenous peoples. The Committee has in many instances referred to the notion of cultural appropriateness (or cultural acceptability or adequacy) in past general comments, in relation in particular to the rights to food, health, water, housing and education. The way in which rights are implemented may also have an impact on cultural life and cultural*



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*diversity. The Committee wishes to stress in this regard the need to take into account, as far as possible, cultural values attached to, inter alia, food and food consumption, the use of water, the way health and education services are provided and the way housing is designed and constructed”* General Comment No. 21, Committee on Economic, Social and Cultural Rights.

### Right to identity

*“Every child shall be registered immediately after birth and shall have a name”* Article 24, International Covenant on Civil and Political Rights.

*“The right to identity is a human right expressed in the image and circumstances that determine who and what a person is. It becomes effective with a name, identification and citizenship”* United Nations Population Fund-Peru, Right to Identity.

### Right to a family

*“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”* Article 23, International Covenant on Civil and Political Rights.

*“The concept of the family may differ in some respects from State to State, and even from region to region within a State, and that it is therefore not possible to give the concept a standard definition. However, [...] when a group of persons is regarded as a family under the legislation and practice of a State, it must be given the protection”* General comment No. 19, Human Rights Committee.

### Right to health

*“Right of everyone to the enjoyment of the highest attainable standard of physical and mental health”* Article 12, International Covenant on Economic, Social and Cultural Rights.

*“Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity.[...] The right to health is not to be understood as a right to be healthy. The right to health contains both freedoms and entitlements. The freedoms include the right to control one’s health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation. By contrast, the entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.*



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*The right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health [...] The right to health in all its forms and at all levels contains the following interrelated and essential elements [...]:*

- a) *Availability. Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party.*
- b) *Accessibility. Health facilities, goods and services have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:*
  - *Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.*
  - *Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.*
  - *Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups.*
  - *Information accessibility: accessibility includes the right to seek, receive and impart information and ideas concerning health issues.*
- c) *Acceptability. All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.*



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- d) *Quality. [...] health facilities, goods and services must be scientifically and medically appropriate and of good quality. This requires, inter alia, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation”* General comment No. 14, Committee on Economic, Social and Cultural Rights.

### Right to education

*“The right of everyone to education, shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. [...] education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”* Article 13, International Covenant on Economic, Social and Cultural Rights.

*“Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth.*

*[...] education in all its forms and at all levels shall exhibit the following interrelated and essential features:*

- a) *Availability. Functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology.*
- b) *Accessibility. Educational institutions and programmes have to be accessible to everyone, without discrimination,[...] Accessibility has three overlapping dimensions:*
- *Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds.*



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- *Physical accessibility* - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme).
  
- *Economic accessibility* - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education.
  
- c) *Acceptability* - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents.
  
- d) *Adaptability* - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.

*When considering the appropriate application of these ‘interrelated and essential features’ the best interests of the student shall be a primary consideration”* General Comment No. 13, Committee on Economic, Social and Cultural Rights.

### **Right to an adequate standard of living (includes housing and food)**

*States parties ‘recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions’.* General Comment No. 4, Committee on Economic, Social and Cultural Rights.

#### **Adequate Housing**

*“The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights. [...] it should be seen as the right to live somewhere in security, peace and dignity. The concept of adequacy is particularly significant in relation to the right to housing since it serves to underline a number of factors which must be taken into account in determining whether particular forms of shelter can be considered to constitute “adequate housing” for the purposes of the Covenant. While adequacy is determined in part by social, economic, cultural, climatic, ecological and other factors, the Committee believes that it is nevertheless possible to identify certain aspects of the right that must be taken into account for this purpose in any particular context. They include the following:*



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- a) *Legal security of tenure. Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure, which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.*
- b) *Availability of services, materials, facilities and infrastructure. An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.*
- c) *Habitability. Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. [...] inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates.*
- d) *Accessibility. Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere.*
- e) *Cultural adequacy. The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured”* General Comment No. 4, Committee on Economic, Social and Cultural Rights.





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### **Adequate Food**

*“The right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfillment of other human rights. It applies to everyone; to ‘himself and his family’ does not imply any limitation upon the applicability of this right to individuals or to female-headed households. [...] comprises ‘the fundamental right to freedom from hunger and malnutrition’.*

*The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense, which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger [...].*

*The core content of the right to adequate food implies:*

- *The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;*
  
- *The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.*
  - a) *Free from adverse substances sets requirements for food safety and for a range of protective measures by both public and private means to prevent contamination of foodstuffs through adulteration and/or through bad environmental hygiene or inappropriate handling at different stages throughout the food chain; care must also be taken to identify and avoid or destroy naturally occurring toxins.*
  
  - b) *Cultural or consumer acceptability implies the need also to take into account, as far as possible, perceived non-nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies.*
  
  - c) *Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.*



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d) *Accessibility encompasses both economic and physical accessibility:*

- *Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programmes.*

- *Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened” General comment No. 12, Committee on Economic, Social and Cultural Rights.*

### Right to work

*“The right to work includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts” Article 6, International Covenant on Economic, Social and Cultural Rights.*

*“The right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity. Every individual has the right to be able to work, allowing him/her to live in dignity. The right to work contributes at the same time to the survival of the individual and to that of his/her family, and insofar as work is freely chosen or accepted, to his/her development and recognition within the community. The right to work affirms the obligation of States parties to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly.*

*The exercise of work in all its forms and at all levels requires the existence of the following interdependent and essential elements [...]:*



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- a) *Availability. States parties must have specialized services to assist and support individuals in order to enable them to identify and find available employment;*
- b) *Accessibility. The labour market must be open to everyone under the jurisdiction of States parties. Accessibility comprises three dimensions:*
- *The Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation, or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality.*
  - *Physical accessibility is one dimension of accessibility to employment.*
  - *Accessibility includes the right to seek, obtain and impart information on the means of gaining access to employment through the establishment of data networks on the employment market at the local, regional, national and international levels.*
- c) *Acceptability and quality. Protection of the right to work has several components, notably the right of the worker to just and favourable conditions of work, in particular to safe working conditions, the right to form trade unions and the right freely to choose and accept work” General Comment No. 18, Committee on Economic, Social and Cultural Rights.*

### Right to rest and leisure

*“Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” Article 24, Universal Declaration of Human Rights.*

### Right to a healthy environment

*The Committee on Economic Social and Cultural Rights has made specific reference to the environment in relation to the quality of life: “[...] ‘Man has the fundamental right to freedom, equality and adequate conditions of life; in an environment of a quality that permits a life of dignity and well-being’” General Comment No. 14, Committee on Economic, Social and Cultural Rights.*

*“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those*



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*necessary for: The improvement of all aspects of environmental and industrial hygiene” Article 12b, International Covenant on Economic, Social and Cultural Rights.*

### Right to property

*“Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property” Article 17, Universal Declaration of Human Rights.*

### Right to freedom of thought and e right to freedom of expression

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” Article 18, Universal Declaration of Human Rights*

*“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” Article 19, International Covenant on Civil and Political Rights.*

### Right to freedom of peaceful assembly and association

*“Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association” Article 20, Universal Declaration of Human Rights.*

*“Everyone has the right to form and to join trade unions for the protection of his interests” Article 22, Universal Declaration of Human Rights.*

### Right to political participation

*“Every citizen shall have the right and the opportunity, without any distinctions and without unreasonable restrictions: To take part in the conduct of public affairs, directly or through freely chosen representatives” Article 25a, International Covenant on Civil and Political Rights.*

*“Article 25 of the Covenant recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. [...] Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize*



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*themselves. This participation is supported by ensuring freedom of expression, assembly and association.*

*In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect of [...] freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas” General Comment No. 25, Human Rights Committee.*

### **Right to Life, Security and Integrity and Right to liberty**

*“Everyone has the right to life, liberty and security of person” Article 3, Universal Declaration of Human Rights.*

*“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” Article 6, International Covenant on Civil and Political Rights.*

*“Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” Article 9, International Covenant on Civil and Political Rights.*

*“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” Article 5, Universal Declaration of Human Rights.*

### **Right to liberty of movement**

*“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own” Article 12, International Covenant on Civil and Political Rights.*

*“Liberty of movement is an indispensable condition for the free development of a person. The enjoyment of this right must not be made dependent on any particular purpose or reason for the person wanting to move or to stay in a place” General Comment No. 27, Human Rights Committee.*



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### Right to due process

*“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”* Article 8, Universal Declaration of Human Rights.

*“In general, legally binding international human rights standards should operate directly and immediately within the domestic legal system of each State party, thereby enabling individuals to seek enforcement of their rights before national courts and tribunals.[...] The existence and further development of international procedures for the pursuit of individual claims is important, but such procedures are ultimately only supplementary to effective national remedies”* General comment No. 9, Committee on Economic, Social and Cultural Rights.

### Right to equal protection before the Law

In the context of development projects, the principles of equality of access and equality of arms are designed to ensure that the parties are treated without discrimination in the various processes related to project design and implementation, including conflict resolution.